

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

2017 MAY -4 AM 10:23

for the

District of New Mexico

17-02969MJ

United States of America

v.

BRIAN CLAYTON CHARLES

Case No. 17mj 1099

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) BRIAN CLAYTON CHARLES

who is accused of an offense or violation based on the following document filed with the court:

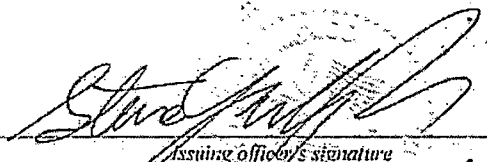
- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. 115--Retaliating Against a Federal Law Enforcement Officer
 18 U.S.C. 876--Mailed Threatening Communications

Date: 05/03/2017

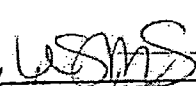
City and state: Albuquerque, New Mexico


 Issuing officer's signature
 Steven A. Yarbrough
 Printed name and title
 U.S. Magistrate Judge

Return

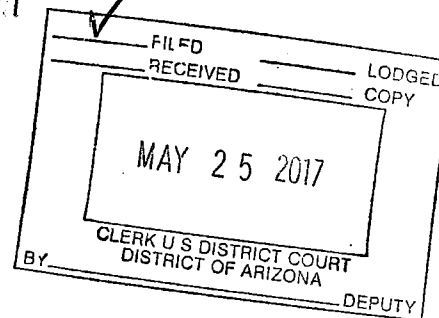
This warrant was received on (date) 5/24/17, and the person was arrested on (date) 5/24/17
 at (city and state): Tucson, AZ

Date: 5/24/17

Subject arrested by 
 and initialed on 5/25/17
 in the District of Arizona.

Arresting officer's signature

Printed name and title



FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO**UNITED STATES DISTRICT COURT**

for the

MAY 04 2017

District of New Mexico

United States of America)

v.)

MATTHEW J. DYKMAN

CLERK

BRIAN CLAYTON CHARLES)

Case No. 17mj 1099)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 29, 2016 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 115	Retaliation Against a Federal Law Enforcement Officer
18 U.S.C. 876	Mailed Threatening Communications

This criminal complaint is based on these facts:

See attached affidavit

☐ Continued on the attached sheet.


Complainant's signature

David M. Noordeloos

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/4/2017
05/03/2017


Judge's signature
City and state: Albuquerque, New Mexico

Steven C. Yarbrough

Printed name and title

U.S. Magistrate

17-02969MJ

AFFIDAVIT

I, David M. Noordeloos, being duly sworn, depose and state the following:

INTRODUCTION

1. I am a Special Agent of the United States Department of State, Diplomatic Security Service, assigned to the Office of Protective Intelligence Investigations. I have been employed by the United States' Department of State since 2002, and I have been trained in the investigation of threats made against persons and Department of State equities worldwide. Prior to my employment with the Diplomatic Security Service, I was a police officer with the City of Grand Rapids, Michigan for six years.
2. The information contained in this affidavit is based, in part, on my personal knowledge, information contained in Department of State records, and information I have received from other law enforcement officers. This affidavit is submitted for the limited purpose of establishing probable cause to support the issuance of an arrest warrant. Accordingly, while this affidavit contains all the material information pertinent to the requested arrest warrant, it does not include each and every fact known to me or other investigators concerning this investigation.

INVESTIGATION

3. As background, your affiant became involved in the investigation of Brian Clayton Charles due to a mailed letter from Charles to the home address of then Secretary of State John Kerry in Washington D.C, which was postmarked 03/24/2016. This letter contained a threat to harm the Secretary of State, but the matter was not prosecuted at that time while the investigation continued.

17-02969MJ

4. Your affiant has conducted a joint investigation of Brian Clayton Charles with special agents of the Environmental Protection Agency – Office of Inspector General (EPA-OIG). Specifically, your affiant is aware that on October 13, 2015, EPA-OIG initiated a threat investigation of Brian Clayton Charles due to threatening communications made to the then EPA Administrator Regina McCarthy's private residence in Massachusetts.
5. On April 17, 2017, your affiant was conducting routine open source queries regarding CHARLES. CHARLES had also previously sent a large amount of harassing and intimidating mailed items to Department of State senior officials at their home residences and to U.S. Ambassadors overseas. The amount of these mailings rose to such a large amount that your affiant drafted an official Department of State telegram to every U.S. Embassy and Consulate worldwide to alert them to Charles' activity in January, 2016. These open source queries located a local media story from Albuquerque, New Mexico at internet address <http://krqe.com/2016/09/30/albuquerque-police-officers-and-families-receive-death-threats-in-the-mail/>, which referenced Brian Clayton Charles sending "death threats" through the mail to Albuquerque, New Mexico Police Department (APD) officers.
6. As a result of this information, your affiant immediately made contact with Sgt. Anthony Simballa of the APD Criminal Intelligence Unit. Sgt. Simballa confirmed that CHARLES had sent mailed communications to locations within the State of New Mexico that were the home and business addresses of APD officers that

17-02969MJ

contained threats to kill APD officers. As a result of safety concerns resulting from receiving the threatening correspondence on September 29, 2016, APD Officer Benjamin Daffron immediately notified the APD Criminal Intelligence Unit and filed APD incident report number 162730459 to document the incident. The envelope and letter were submitted to APD evidence, but were disposed of in January 2017.

7. Sgt. Simballa furnished a scanned copy of the letter to your affiant on 04/17/2017.

The title and first paragraph of the letter are quoted below:

BEGIN QUOTE

The Punishment of the Albuquerque Police

"My soul is full of burning rage and fury against you men of evil intentions. I am a God of War, and you have picked a fight against the wrong person. With burning fury and anger of soul I will punish you forever, says the LORD. For with evil intentions and prejudice you murdered some of My homeless men, whom I sent to your city to rest from their labors elsewhere. And punish you I will, for I will cause the city residents to exterminate you vile men with their guns, and I will pile your bodies in mass graves in the city cemetery. For I Am A God of Warfare, and I will avenge the spilled blood of My innocents who served Me, whose blood cries out from the desert sands. And avenge I will, unless you repent and receive the Son of My Grace, whom you murdered in cold blood, with prejudice of heart. Prepare for Hell, for I will put you there,

17 - 029 69M J

and I will punish you forever says the LORD of Hosts, Amen!"

END QUOTE

8. Sgt. Simballa also confirmed to your affiant that approximately fourteen APD police personnel also serve as Special Deputy United States Marshals due to assignments in which they work on Federal law enforcement task forces in the Albuquerque, New Mexico metropolitan area.
9. Your affiant's investigation identified the biographical information of Brian Clayton Charles and relevant background information:
 - a) Brian Clayton Charles is a U.S. person, born in 1968.
 - b) Brian Clayton Charles is frequently homeless, but usually resides within the State of Arizona and maintains a mailbox at the UPS Store located at 1505 West St. Mary's Road in Tucson, Arizona.
 - c) Charles was previously discharged from the U.S. Military and receives monthly Social Security payments.
 - d) Charles has a criminal history that includes a 1996 attack on a Tempe, AZ abortion clinic. In this incident, Charles caused over \$40,000 USD damage to the clinic. Charles was charged with Felony Damage to Property and Felony Assault charges, which resulted in a 7 ½ year prison sentence.
 - e) In addition to DSS, Charles is on record with the below U.S.

government law enforcement agencies for mailing harassing,

intimidating and/or threatening correspondence/behavior:

i) Pentagon Force Protection Agency

ii) U.S. Capitol Police

iii) U.S. Park Police

iv) U.S. Secret Service

v) U.S. Marshals Service

vi) Defense Intelligence Agency Police

vii) Department of Homeland Security – Federal Protective Service.

f) Charles' family members have disclosed to investigators that written correspondence containing language similar to the captioned threatening language is commonly seen in the "prophetic ministry" correspondence written and sent by Charles to the home addresses of the recipients.

10. Your affiant's investigation led to interviews of multiple Albuquerque Police Department (APD) personnel who received threats via mail from Charles, including one APD officer who also serves as a Special Deputy U.S. Marshal on a Federal law enforcement task force. These letters all contained return address information that appear to have been affixed by a stamp that placed the following information on the envelope:

Brian Clayton Charles
Prophetic Ministry
1505 West St. Mary's Road #277
Tucson, AZ 85745-3107 USA

17-02969MJ

- a) Brian Lund serves as a Police Officer with APD. Lund received a letter at his residence in Albuquerque, NM from Charles that was postmarked as sent on September 27, 2016 from Phoenix, Arizona. The postage area of the envelope is overwritten by six curving black lines, the mark of a postal cancellation stamp used by the U.S. Postal Service, showing the letter was delivered through the mails. This letter was retained by Lund and turned over to investigators on May 02, 2017. The letter inside the envelope contained the previously captioned threat. Lund stated that he felt threatened as a result of the mailed communication and the threat led him to modify his personal security practices. Specifically, Lund advised that previous to receiving the letter, Lund did not always carry a firearm while off-duty. Lund said that, after receiving the letter, he now carries a firearm off duty and also practices vehicle surveillance detection routes while returning to his residence to ensure no one is following him to his residence.
- b) Andrew Feist serves as a Police Officer with APD assigned as a Federal Task Force Officer with the Federal Bureau of Investigation Safe Streets Taskforce in Albuquerque, New Mexico. Feist advised that in this role, he is a sworn Special Deputy U.S. Marshal and possesses credentials regarding this deputation. Feist received a letter at his residence in Albuquerque, NM from Charles that was postmarked as sent on September 27, 2016 from Phoenix, Arizona. The postage

17-02969MJ

area of the envelope is overwritten by six curving black lines used by the U.S. Postal Service, the mark of a postal cancellation stamp, showing the letter was delivered through the mails. This letter was retained by Feist and turned over to investigators on May 02, 2017.

The letter inside the envelope contained the previously captioned threat. Feist advised that he felt threatened as a result of the mailed communication. Feist stated that as a result of the threat, he briefed his wife and children regarding what actions they should take in the event that Feist and/or his family members were assaulted in public. Feist also instructed his family on "tightening up" their social media site usage on the internet.

- c) Shawn Casaus is retired from APD, but at the time he received a letter from Charles, Casaus was serving as an Acting Sergeant with the APD. Casaus received a letter at his residence in Albuquerque, NM from Charles that was postmarked as sent on October 11, 2016 from Phoenix, Arizona. The postage area of the envelope is overwritten by six curving black lines used by the U.S. Postal Service, the mark of a postal cancellation stamp, showing the letter was delivered through the mails. This letter was retained by Casaus and turned over to investigators on May 02, 2017. The letter inside the envelope contained the previously captioned threat. Casaus advised that he felt threatened as a result of the mailed communication. Casaus advised

that as a result of the threat, it significantly increased his fear for both his safety and that of his family, stating that "this is the most threatened I've ever been in my entire career." Casaus stated he always carries a weapon and now frequently employs surveillance detection routes when returning to his residence, to determine if he is being followed.

- d) Geoffrey Stone is a Police Officer with APD. Stone received a letter at his residence in Albuquerque, NM from Charles that was postmarked as sent on September 27, 2016 from Phoenix, Arizona. The postage area of the envelope is overwritten by six curving black lines used by the U.S. Postal Service, the mark of a postal cancellation stamp, showing the letter was delivered through the mails. This letter was retained by Stone and was turned over to investigators on May 02, 2017. Additionally, Stone received another similar letter at his home, but this envelope was not retained by Stone. The letter inside the envelope contained the captioned threat. Stone advised he felt threatened as a result of the mailed communication. Stone advised that as a result of the captioned threat, he briefed his wife about what she should do in the event Charles or another person targeting him should appear at their house. Additionally, Stone advised he specifically purchased a smaller off-duty handgun that would be more easily carried concealed, as he now carries a weapon all the time while he is off duty. Stone also said he is practicing periodic vehicle surveillance detection

routes to determine if he is being followed on the way to his residence.

- e) Dennis Barela is a retired police officer with APD, having retired in 2013. Barela received a letter at the headquarters of the company with whom he is a contractor, that was forwarded to him, from Charles that was postmarked as sent from Phoenix, Arizona on October 06, 2016. Barela's contracting company emailed Barela a scanned copy of the envelope and letter. The letter contained the captioned threat. These scans of the documents were retained by Barela and turned over to investigators on May 02, 2017. The postage area of the scanned copy of the envelope is overwritten by six curving black lines used by the U.S. Postal Service, the mark of a postal cancellation stamp, showing the letter was delivered through the mails. Barela advised he felt threatened as a result of the mailed correspondence. Barela advised that as a result of the captioned threat, he was extremely concerned for the safety of his girlfriend, children and his ex-wife. Barela conducted open source checks online, which located a mugshot photo of Charles. Barela said he displayed this photo to his girlfriend, children and ex-wife and told them that Charles had threatened him and that they should inform Barela or police immediately if Charles was sighted.

RELEVANT STATUTES

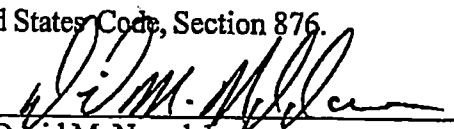
11. Title 18, United States Code, Section 115 provides, in pertinent part, that it is unlawful for any person to threaten to assault any Federal law enforcement officer with intent to

17-02969MJ

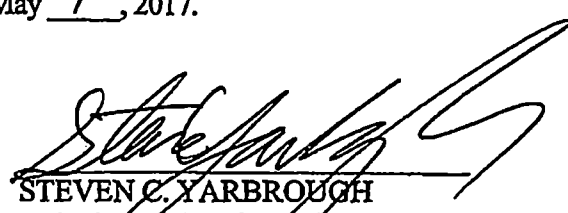
retaliate against such law enforcement officer on account of the performance of their official duties. Title 18, United States Code, Section 876 provides, in pertinent part, that it is unlawful for any person to deposit in any post office or authorized depository for mail matter to be sent or delivered by the Postal Service any communication addressed to any other person containing any threat to injure the person of the addressee or of another.

CONCLUSION

12. Based on the information contained in this Affidavit, I believe there is probable cause to believe that Brian Clayton Charles has committed the crime of one count of retaliating against a Federal official by threatening Special Deputy United States Marshal Andrew Feist in violation of Title 18, United States Code, Section 115, and the crime of five counts of mailing threatening communications to the five aforementioned APD officers, in violation of Title 18, United States Code, Section 876.


David M. Noordeloos
Special Agent
United States Department of State
Diplomatic Security Service

Sworn to and subscribed before me this May 4, 2017.


STEVEN C. YARBROUGH
United States Magistrate Judge
United States District Court
District of New Mexico

